

**CLINE v. CHARLOTTE-MECKLENBURG HOSPITAL  
AUTHORITY d/b/a ATRIUM HEALTH, et al.**

**EXHIBIT 1**

**AMENDED****CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974; see Privacy Act Statement on reverse before completing this form.

**ENTER CHARGE NUMBER**

FEPA  
 EEOC

430-2023-00841

NAME (Indicate Mr., Ms., or Mrs.)  
**Mr. DAVID M. CLINE, III**HOME TELEPHONE NO. (Include Area Code)  
**(704) 293-8301**DATE OF BIRTH  
**6/30/1964**STREET ADDRESS  
**890 E. ZION CHURCH ROAD**CITY, STATE AND ZIP CODE  
**SHELBY, NC 28150**COUNTY  
**CLEVELAND**

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME  
**ATRIUM HEALTH CLEVELAND** NO. OF EMPLOYEES/MEMBERS  
**300+** TELEPHONE NUMBER (Include Area Code)  
**(704) 446-5600**STREET ADDRESS  
**201 EAST GROVER STREET** CITY, STATE AND ZIP CODE  
**SHELBY, NC 28150**NAME  
TELEPHONE NUMBER (Include Area Code)STREET ADDRESS  
CITY, STATE AND ZIP CODE

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

RACE  COLOR  SEX  RELIGION  NATIONAL ORIGIN  
 AGE  RETALIATION  DISABILITY  OTHER (Specify)

DATE MOST RECENT OR  
CONTINUING  
DISCRIMINATION TOOK  
PLACE: **Sept. 12, 2022**  
(Month, day, year)

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):  
Please see attachment to charge of discrimination.

I also want this charge filed with the EEOC.  
I will advise the agencies if I change my address or telephone  
number and I will cooperate fully with them in the processing  
of my charge in accordance with their procedures.

NOTARY - (When necessary to meet State and Local Requirements)

I swear or affirm that I have read the above charge and that it  
is true to the best of my knowledge, information and beliefs.

I declare under penalty of perjury that the foregoing is true  
and correct.

*David Mills Cline*  
**DAVID MILLS CLINE, III**  
Charging Party Signature

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(Day, month and year) **12-13-22**

*Attachment to Charge of Discrimination*  
**David Mills Cline, III v. Atrium Health Cleveland**  
**EEOC Charge No. 430-2023-00841**

1. I am an adult citizen and resident of Cleveland County, North Carolina. My date of birth is June 30, 1964. I am an individual with a disability within the meaning of the Americans with Disabilities Act, as amended.

2. Respondent hired me to join its leadership team in July 2004 as the Director, Rehabilitation Services. Since January, 2016, Respondent has employed me as its Director of Cardiac & Pulmonary Rehabilitation, Diabetes & Wellness Services. Since beginning my employment with Respondent, I have had a rewarding career and have received positive job performance evaluations in my roles.

3. I was diagnosed with an aggressive form of cancer in 2018 and have been treated with internal and external radiation therapy. Throughout the period 2018 through 2022, I have taken paid time off (PTO) and continuous/intermittent medical leave under the FMLA. Nonetheless, I continued to work even during the COVID pandemic often times on weekends to assist busy nursing units. During July, 2022, however, I experienced a recurrence of pelvic pain due to complications caused by radiation therapy which necessitated an emergency surgical procedure.

4. After returning to work, my supervisor advised me of a new potential leadership position in the Guest Relations area focusing on the Emergency Department and asked whether I would have any interest in that new role, the first of its kind in the system. My AVP and Senior VP expressed that they believed I was perfect to build the new program. I was told that the position might entail a decrease in my salary but that I would likely make up the differential within a short period of time. However, I was strongly encouraged to discuss potential salary issues with executive leadership to mitigate any decreases, which I did.

5. On July 5-11, 2022, I was approved for leave under the FMLA and again approved on July 13-17, 2022. When I returned to work after a subsequent one-day additional absence, I was advised that the new position would be deemed a Guest Relations Specialist position without any salary discussion – and that I would receive hourly wages of only \$24.68 per hour. In my role as Director of Cardiac & Pulmonary Rehabilitation, I received an annual salary of \$107,513.54. When I questioned the classification, my supervisor told me that I had to accept a demotion or I would be fired from my employment. I saw no choice at that point but to accept, particularly given my medical issues and need for health insurance benefits.

6. I was officially demoted to the position of Guest Relations Specialist on September 12, 2022. Prior to my demotion, I did not receive any formal warnings or reprimands regarding my job performance or workplace conduct. Approximately one week after beginning the new role, I was asked by our most senior leader how I was doing. I voiced concerns about my health, the over 60% pay differential and that I wished my dad was still here to help me navigate through all

430-2023-00841

*Attachment to Charge of Discrimination*  
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EEOC Charge No. \_\_\_\_\_

the change and adversity. In response, the senior lead commented that I “just needed to get a roommate” to help with expenses and that “I was old enough to get along without my dad.” I was also told it would be a “long, long time” before I ever had the chance to be in leadership again and to make my previous salary. I found these to be a very insensitive remarks as my dad had unexpectedly passed away in 2020 during my cancer treatments.

7. Since my demotion, I have had to use intermittent leave to seek on-going treatment for my disabilities. To my knowledge, Respondent has distributed my former duties to other director level employees who suffer from no known medical conditions or disabilities.

8. Based on the foregoing facts, I allege that Respondent demoted me because of my disability in violation of the Americans with Disabilities Act, as amended.

RECEIVED By  
EEOC  
12/14/2022